IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.953 OF 2005
WITH
CRIMINAL APPLICATION NO.954 OF 2005
WITH
CRIMINAL APPLICATION NO.955 OF 2005
WITH
CRIMINAL APPLICATION NO.997 OF 2005
WITH
CRIMINAL APPLICATION NO.998 OF 2005

M/s.Vijay Transport Corporation
and Anr. ..Applicants

Vs.

Indian Seamless Financial
Services Ltd. & Anr. ..Respondents

...
Mr.Subodh Desai Advocate for Applicants
Mrs.Nipa Singh for Respondent No.1
Mr.Y.S.Shinde, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 14,2005

P.C.

1. Heard the learned advocate for the applicants, the learned advocate for the respondent no.1-original complainant and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Addl.Chief Metropolitan Magistrate, 9th Court at Bandra, Mumbai in C.C.Nos. 85/S/2002, 86/S/2002, 87/S/2002, 83/S/2002 and 88/S/2002. In the said cases, process was issued against the applicants under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from

today. I am informed that the matter before the trial Court is kept on 30.9.2005. In view of this statement, the trial Court shall not proceed with the trial on 30.9.2005 and for a period of two weeks thereafter.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]